

REMARKS

This paper is in response to the Office Action of February 27, 2008. The due date for response extends to June 27, 2008. Reconsideration in view of this amendment is respectfully requested. The Examiner is thanked for reconsidering the prior art and for allowing the applicants to respond to an Office Action after the payment of the Issue Fee.

Claims 1-5 and 34 were rejected under 35 USC § 102(e), as being anticipated by Girod (US 6,677,987). This rejection is respectfully traversed.

Girod is concerned with a system that allows interaction with between a user's light source and a camera. The teachings define a system that relies on the comparison of modulation of light, as detected between frames. Pixel luminance is key to Girod, as its algorithm requires specific focus on pixels detected between frames, before a threshold is reached. See step 618. If the threshold is not reached, the process continues analysis of the pixels in later frames, as shown in Figure 6. Additionally, based on the accurate detection of pixel luminance, relative to other pixels in a given area, decisions are made regarding confidences/likelihood of pixel changes. Consequently, the *clarity and brightness* of each pixel is important to Girod. To emphasize the importance, Girod, at Col. 3, line 58- Col. 4, line 4.

It is respectfully pointed out that this application discloses a number of embodiments, but for sake of directing the pending claims to one embodiment, the Applicants chose to direct the claims to the embodiment where the image capture device *defocuses* the captured image. Other embodiments will be claimed in other continuation applications. In the instant claims, to "*defocus*" the captured image, is *opposite* to the teachings of Girod. For at least this reason, and in view of the now amended claims, it is respectfully submitted that the currently amended claims are not anticipated by Girod, and nor can Girod suggest to do the opposite of what it requires.

In view of the foregoing, the Applicants respectfully request the Examiner to kindly withdraw the Section 102 rejections of the independent claims. The dependent claims are also submitted to be patentable over the art of record, for at least the same reasons the independent claims are believed to be patentable. The Applicants also respectfully request

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that the Section 103 rejections be withdrawn, as the teaching by Curran et al. (US 6,753,849) do not cure the deficiencies of Girod. For completeness, the teachings of Curran et al. and Pryor are discussed in the Applicant's last Office Action response, and those additional distinctions over the now claimed invention, are incorporated herein by reference.

In view of the foregoing, the Applicant respectfully requests reconsideration and allowance of the pending claims.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No SONYP030). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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